

Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et*
al.,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

This filing relates to the
Commonwealth and PBA.

ORDER GRANTING FOUR HUNDRED TWENTY-EIGHTH OMNIBUS OBJECTION
(SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO AND THE PUERTO
RICO PUBLIC BUILDINGS AUTHORITY TO MISCLASSIFIED CLAIMS

Upon the *Four Hundred Twenty-Eighth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico to Misclassified Claims* [ECF No. 20484] (the “Four Hundred Twenty-Eighth Omnibus Objection”),² filed by the Commonwealth of Puerto Rico (“Commonwealth”) the Puerto Rico Public Buildings Authority (“PBA,” and together with the Commonwealth, the “Debtors”), dated April 1, 2022, for entry of an order disallowing in their

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² Capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Four Hundred Twenty-Eighth Omnibus Objection.

entirety certain claims filed against the Debtors, as more fully set forth in the Four Hundred Twenty-Eighth Omnibus Objection and supporting exhibits thereto; and the Court having jurisdiction to consider the Four Hundred Twenty-Eighth Omnibus Objection and to grant the relief requested therein pursuant to PROMESA section 306(a); and venue being proper pursuant to PROMESA section 307(a); and due and proper notice of the Four Hundred Twenty-Eighth Omnibus Objection having been provided to those parties identified therein, and no other or further notice being required; and the claims identified in the column titled “Claims to be Reclassified” in Exhibit A to the Four Hundred Twenty-Eighth Omnibus Objection (collectively, the “Claims to Be Reclassified”) asserting an incorrect or improper priority or classification, as set forth in Exhibit A hereto; and the Court having determined that the relief sought in the Four Hundred Twenty-Eighth Omnibus Objection is in the best interest of the Debtors, their creditors, and all the parties in interest; and the Court having determined that the legal and factual bases set forth in the Four Hundred Twenty-Eighth Omnibus Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the Four Hundred Twenty-Eighth Omnibus Objection is GRANTED as set forth herein; and it is further

ORDERED that the Claims to Be Reclassified are hereby reclassified, such that the Claims to Be Reclassified shall now only be considered claims asserted as general unsecured claims, as set forth in the column titled “Modified Claim” in Exhibit A to the Four Hundred Twenty-Eighth Omnibus Objection, respectively; and it is further

ORDERED that the Debtors’ right to object to the Claims to Be Reclassified is reserved; and it is further

ORDERED that Kroll is authorized and directed to correct the Claims to Be Reclassified to reflect their status as general unsecured claims on the official claims register in the Title III Cases; and it is further

ORDERED that this Order resolves Docket Entry No. 20484 in Case No. 17-3283; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

SO ORDERED.

Dated: _____

Honorable Judge Laura Taylor Swain
United States District Judge

EXHIBIT A

Schedule of Claims Subject to the Four Hundred Twenty-Eighth Omnibus Objection

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Four Hundred Twenty-Eighth Omnibus Objection

Exhibit A - Claims to Be Reclassified

ASSERTED					MODIFIED			
NAME	CLAIM#	DEBTOR	PRIORITY STATUS	AMOUNT	DEBTOR	PRIORITY STATUS	AMOUNT	
1	ANTILLES OFFICE SUPPLY PO BOX 3474 MANATI, PR 00674	36835	Commonwealth of Puerto Rico	503(b)(9)	\$3,481.00	Commonwealth of Puerto Rico	503(b)(9)	\$0.00
						Commonwealth of Puerto Rico	Unsecured	\$3,481.00
							Subtotal	\$3,481.00
						Reason: Goods listed on claim were received outside of the prescribed 20-day receipt period under 11 U.S.C. § 503(b)(9) and thus not entitled to administrative priority.		
2	ANTILLES OFFICE SUPPLY PO BOX 3474 MANATÍ, PR 00674	49938	Commonwealth of Puerto Rico	503(b)(9)	\$937.50	Commonwealth of Puerto Rico	503(b)(9)	\$0.00
						Commonwealth of Puerto Rico	Unsecured	\$937.50
							Subtotal	\$937.50
						Reason: Goods listed on claim were received outside of the prescribed 20-day receipt period under 11 U.S.C. § 503(b)(9) and thus not entitled to administrative priority.		
3	ANTILLES OFFICE SUPPLY PO BOX 3474 MANATÍ, PR 00674	56847	Commonwealth of Puerto Rico	503(b)(9)	\$3,129.00	Commonwealth of Puerto Rico	503(b)(9)	\$0.00
						Commonwealth of Puerto Rico	Unsecured	\$3,129.00
							Subtotal	\$3,129.00
						Reason: Goods listed on claim were received outside of the prescribed 20-day receipt period under 11 U.S.C. § 503(b)(9) and thus not entitled to administrative priority.		
4	DEYA ELEVATOR SERVICE INC P.O. BOX 362411 SAN JUAN, PR 00936-2411	174018	Puerto Rico Public Buildings Authority (PBA)	503(b)(9)	\$308,095.88	Puerto Rico Public Buildings Authority (PBA)	503(b)(9)	\$0.00
						Puerto Rico Public Buildings Authority (PBA)	Unsecured	\$308,095.88
							Subtotal	\$308,095.88
						Reason: Claimant asserted administrative priority under 11 U.S.C. § 503(b)(9), but proof of claim is not for goods sold and as such claimant is not entitled to administrative priority.		
5	DIAZ TORRES, IRIS N. PO BOX 433 BAYAMON, PR 00960	6560	Commonwealth of Puerto Rico	Secured	\$112,565.18*	Commonwealth of Puerto Rico	Secured	\$0.00
						Commonwealth of Puerto Rico	Unsecured	\$112,565.18*
							Subtotal	\$112,565.18*
						Reason: The claimant failed to provide prima facie evidence to support a secured claim.		
6	JOHNSON & JOHNSON INTERNATIONAL MCCONNELL VALDES LLC C/O NAYUAN ZOUAIRABANI PO BOX 364225 SAN JUAN, PR 00936	85417	Commonwealth of Puerto Rico	503(b)(9)	\$1,030.90	Commonwealth of Puerto Rico	503(b)(9)	\$0.00
			Commonwealth of Puerto Rico	Unsecured	\$59,382.58	Commonwealth of Puerto Rico	Unsecured	\$60,413.48
				Subtotal	\$60,413.48		Subtotal	\$60,413.48
			Reason: Goods listed on claim were received outside of the prescribed 20-day receipt period under 11 U.S.C. § 503(b)(9) and thus not entitled to administrative priority.					

* Indicates claim contains unliquidated and/or undetermined amounts

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Four Hundred Twenty-Eighth Omnibus Objection

Exhibit A - Claims to Be Reclassified

		ASSERTED			MODIFIED		
NAME	CLAIM#	DEBTOR	PRIORITY STATUS	AMOUNT	DEBTOR	PRIORITY STATUS	AMOUNT
7	JOSE R GONZALEZ DBA MECANICA TITO PO BOX 310 CIALES, PR 00638	Commonwealth of Puerto Rico	503(b)(9)	\$1,147.00	Commonwealth of Puerto Rico	503(b)(9)	\$0.00
					Commonwealth of Puerto Rico	Unsecured	\$1,147.00
					Subtotal	\$1,147.00	
					Reason: Claimant asserted administrative priority under 11 U.S.C. § 503(b)(9), but \$725.00 in liabilities is not for goods sold and as such claimant is not entitled to administrative priority. The remaining \$422.00 is for goods listed on claim which were received outside of the prescribed 20-day receipt period under 11 U.S.C. § 503(b)(9) and thus not entitled to administrative priority. Accordingly, claim has been reclassified in whole as a general unsecured claim.		
8	PROFESSIONAL CONSULTING INTERNATIONAL GROUP INC LUIS P. COSTAS ELENA 34 ORQUIDEA URB. SANTA MARIA SAN JUAN, PR 00927	Commonwealth of Puerto Rico	Secured	\$1,550,400.00*	Commonwealth of Puerto Rico	Secured	\$0.00
					Commonwealth of Puerto Rico	Unsecured	\$1,550,400.00*
					Subtotal	\$1,550,400.00*	
					Reason: The claimant failed to provide prima facie evidence to support a secured claim.		
9	SANTIAGO PEREZ, LEONIDES JOSE MARTINEZ CUSTODIO, ESQ PO BOX 599 UTUADO, PR 00641	Commonwealth of Puerto Rico	Priority	\$197,685.38*	Commonwealth of Puerto Rico	Priority	\$0.00
					Commonwealth of Puerto Rico	Unsecured	\$197,685.38*
					Subtotal	\$197,685.38*	
					Reason: Claimant asserted priority status under 11 U.S.C. § 507(a)(4), according to Debtors' books and records and/or documentation filed with the proof of claim, claim is not on account of wages earned within 180 days of petition date and therefore ineligible for 507(a)(4) priority status.		
TOTAL				\$ 2,237,854.42*	TOTAL		\$ 2,237,854.42*

* Indicates claim contains unliquidated and/or undetermined amounts